

CODE OF ETHICS
OF THE
TRIBAL NATION GRANT FUND PANEL

ARTICLE I

PURPOSE

The purpose of this Code of Ethics is to set forth standards by which Tribal Nation Grant Fund ("**TNGF**") Panel Members will conduct themselves in order to protect and promote the integrity of the Tribal Nation Grant Fund Program and to enhance the ability of the TNGF Program to achieve its objectives in a manner consistent with all applicable laws and regulations. A "Panel Member" means any tribal leader appointed to the TNGF Panel, inclusive of Initial and Regular Panels.

ARTICLE II

PRINCIPLES

A. Conduct in Conformity with Applicable Rules and Laws.

The actions of Panel Members shall reflect their commitment to conduct all of the TNGF Program's activities in an honest, ethical, and professional manner in compliance with all applicable laws and regulations and with TNGF policies and procedures.

B. Integrity.

Panel Members shall not engage in any business activity that appears to be unethical or illegal; shall refuse any illegal offers, solicitations, payments, or other payment to induce business opportunities; and shall refuse any offer that has the appearance of being an illegal or inappropriate offer, solicitation, payment, or remuneration.

Panel Members shall not use their position and/or TNGF resources to serve their own personal, financial, or business interests. This shall not include the interests of the tribe for which they serve as an elected official for the express purpose of submitting a TNGF grant application as allowed by applicable grant guidelines; notwithstanding, Panel Members shall recuse themselves from consideration and discussion of TNGF grant applications submitted by the tribe for which they or any member of their immediate family serves as an elected official. See Art. III, § A, below. For the purposes of this Code, "immediate family" shall include the spouse, parents, grandparents, children and

siblings of a Panel Member, inclusive of legal relationships (e.g., step children regardless of degree of blood relation.

C. Confidentiality.

To respect the privacy of tribal governments, enterprises, members, employees, and service populations, Panel Members shall not use or disclose confidential information gained in the course of or by reason of their position or activities with the TNGF Program. Panel Members shall maintain strict confidentiality over information received, regardless of economic or personal gain.

Confidential information includes all information relating to the administration of the TNGF Program that describes, directly or indirectly, the internal affairs of an eligible tribe, including, but not limited to, the finances and competitive business plans of an eligible tribe. (Cal. Gov't Code §12019.55(a).)

D. Competence.

Panel Members shall perform their duties by making informed decisions in good faith and in a manner believed to be in the best interests of the TNGF Program serving California Native American tribes.

E. Accountability.

Panel Members are bound by this Code of Ethics and shall address any behavior inconsistent with this Code in an effective and efficient manner as set forth in this Code. Panel Members shall become familiar with this Code of Ethics and the policies and procedures applicable to Panel Members. Panel Members and interested parties shall immediately report any suspected violations of this Code of Ethics or of any applicable law, regulation, policy or procedure as set forth herein for investigation. No disciplinary action may be taken against any person, who, in good faith, reports a concern, issue, problem, or violation of the law, regulations, policy, procedure or this Code of Ethics. "Good faith" means that there is an objective basis for the allegation and does not require definitive proof.

ARTICLE III

CONFLICTS OF INTEREST

A. Conflicts of Interest.

Panel Members shall avoid any action, whether or not specifically prohibited by the Code of Ethics as set out herein, which could result in, or create the appearance of:

- (1) Using membership on the Panel for private gain;

- (2) Giving preferential treatment to any tribe or person;
- (3) Interfering with TNGF Program efficiency or administration;
- (4) Losing or compromising complete independence or impartiality of actions;
- (5) Making a TNGF Program decision outside of channels authorized under applicable law, regulation, policy or procedure;
- (6) Adversely affecting the confidence of tribes in the integrity of the TNGF Program. No Panel Member shall participate in the TNGF Panel's consideration, selection, award of or subsequent action on a TNGF Program grant, if a conflict of interest, real or apparent, would be involved.

A conflict of interest shall be deemed to arise for purposes of this section when the Panel Member or any member of their immediate family serves as an elected official for a tribe under consideration for or in receipt of a TNGF grant award.

B. Conflict of Interest Statements and Official Action.

- (1) Disclosure: All Panel Members who have interests which might conflict with their duties should divulge those interests at a public meeting. Disclosure shall also extend to those interests held by his/her immediate family, when they are known by the Panel Member.
- (2) When a Panel Member is required to take action on a matter in which such Panel Member has a personal economic interest, they should first consider eliminating that interest.
- (C) Unless otherwise provided by applicable law, the abstention by such person from voting or otherwise participating in the official determination or decision shall not affect the presence of such person for purposes of establishing a quorum necessary for the business of the TNGF Panel.

ARTICLE IV

FIDUCIARY DUTY

A. Economic Interests.

Panel Members shall not use their positions to serve their own personal, financial, or business interests, and shall:

- (1) Not solicit or offer anything of value in the course of TNGF Program dealings.

- (2) Avoid using the TNGF Program's resources for their own personal, financial, or business interests. Panel Members shall utilize authorized staff only for the official purposes for which they are employed or otherwise retained.
- (3) Strictly prohibit kickbacks, bribes, rebates or any kind of benefits intended to induce tribal, personal or business benefits.
- (5) Report reimbursable expenses accurately and to only one source; and avoid receiving any financial gain because of TNGF Program travel.
- (6) Panel Members shall not use any property of the State or any other public property of any kind for other than as authorized and approved for official purposes and activities. Such persons shall properly protect and conserve all such property, equipment, and supplies, which are so entrusted, assigned or issued to them.
- (7) Panel Members shall not engage in transactions that will provide them an economic advantage due to information received through their service on the TNGF Panel, and such Panel Members shall not acquire any property or other economic interest when doing so that will substantially affect or influence the performance of their official actions or duties on the TNGF Panel.

B. Grant Awards.

No Panel Member shall participate in the TNGF Panel's consideration, selection, award of or subsequent action on a TNGF Program grant, if a conflict of interest, real or apparent, would be involved.

ARTICLE V

IMPLEMENTATION AND COMPLIANCE

A. Complaints.

The Tribal Advisor shall receive, review and/or investigate complaints filed. A Complaint may be filed at any time, subject to the statute of limitations, below. Each Complaint shall contain a statement of the alleged misconduct, including any applicable law, regulation, policy, procedure or section of the Code of Ethics allegedly violated, and the alleged facts which form the basis of the charge. The Tribal Advisor shall maintain confidentiality until a final determination is reached.

B. Notice.

The Tribal Advisor shall issue to the Panel Member in question a written notice containing a statement of alleged misconduct, including any applicable law, regulation, policy, procedure or section of the Code of Ethics allegedly violated. The notice shall state the facts upon which such charges are based.

C. Investigation.

- (1) If the Tribal Advisor finds sufficient cause to proceed, they shall conduct or cause an investigation to determine any violations or noncompliance with any applicable law, regulation, policy, procedure or this Code. In any TNGF determination regarding a matter under review, the relevant Panel member must abstain from voting on the matter.
- (2) If the investigation brings forth violations that are subject to available remedies, the record of the investigation shall so state.
- (3) The Tribal Advisor may dismiss any complaint which it determines has insufficient facts to constitute a violation of noncompliance with any applicable law, regulation, policy, procedure or this Code.

D. Response to Notice.

Within thirty (30) business days after receipt of the complaint, the Panel Member in question shall file a written response setting forth any admission, denial and/or affirmative defense to the allegation.

E. Procedure.

- (1) If the Tribal Advisor finds sufficient cause to proceed, they shall conduct or cause an investigation to determine any violation or noncompliance with any applicable law, regulation, policy, procedure or this Code within thirty (30) calendar days of receipt of the Panel Member's response.
- (2) The Panel Member in question shall have the opportunity to discuss the matter with the Tribal Advisor prior to a final decision. Such discussion shall be informal, without formal rules of evidence.
- (3) The Tribal Advisor shall receive and consider all of the evidence presented by the Panel Member in question and shall issue a written decision to the complainant and Panel Member in question regarding the matter in question within twenty (20) calendar days after the discussion date.
- (4) All provisions of the TNGF Bylaws for removal of Panel Members shall apply.
- (5) The written decision of the Tribal Advisor shall be final.

- (6) Interested parties, including the Panel Member in question, shall have no right to appeal to the Tribal Advisor, Panel or any other authority, except as may otherwise be required by law.

F. Remedies.

- (1) The Tribal Advisor may impose or recommend any available remedies, sanctions or other penalties provided in this Code or applicable law, regulation, policy or procedure; or refer their findings to other appropriate entities for action.
- (2) TNGF staff shall be responsible for maintaining records of complaints, investigations and final determinations for a minimum of three (3) years from the date of issuance of the final determination.

G. Statute of Limitations.

Any action brought under this Code shall be submitted to the Tribal Advisor during any term of service on the TNGF Panel for the Panel Member in question.

H. Retaliation Prohibited.

- (1) Retaliation against any party or witness to a Complaint is prohibited. Retaliation shall include any form of adverse or punitive action by or caused by any Panel Member.
- (2) This protection shall also be afforded to any person(s) offering supplementary information or evidence or complying with directives authorized under this Code.
- (3) Any violations shall be subject to penalties under this Code, as well as applicable law, policies or procedures.

ARTICLE VI

REMEDIES

Upon a finding that there has been a violation of any provision of this Code, the Tribal Advisor may invoke any or all of the following remedies:

- (1) Issuance of a private reprimand to such person, with or without suspension of any or all other remedies provided herein.
- (2) Issuance of a written public reprimand, which shall be noticed and provided in a regularly scheduled TNGF meeting and published on the TNGF website.

- (3) Modification of Panel duties as necessary to correct future misconduct.
- (4) Removal as provided under the TNGF Bylaws.
- (5) Any other remedy available under applicable law, regulation, policy or procedure.

ARTICLE VII

AMENDMENTS

A. Amendment Procedure.

- (1) The Panel may amend this Code of Ethics upon a vote of four (4) or more Panel Members who are authorized to vote.
- (2) The Tribal Advisor shall make proposed amendments available to the Panel a minimum of ten (10) days in advance of the meeting at which the vote to amend will take place.